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Assistant Commissioner for Patents
Washington, D.C. 20231

On September 17, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Sylvia E. Arnold

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STEINTHAL et al.

Application No.: 10/655,228

Filed: September 3, 2003

For: FOCUSING MECHANISM FOR
STEREOSCOPIC SYSTEMS

Examiner: Unassigned

Art Unit: 2782

PETITION FOR THE BENEFIT OF A
PRIOR FILED COPENDING
PROVISIONAL APPLICATION UNDER
37 C.F.R. §1.78(A)(6)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition for a claim for the benefit of a prior filed copending provisional application. A reference to a prior filed copending provisional application was unintentionally not submitted with the application at the time of filing.

Applicants request the benefit of a prior filed provisional application, copending as of the date of filing of this application, and submit herewith (1) the petition fee pursuant to 37 C.F.R. §1.17(t), (2) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(5) and the date of filing the claim, was unintentional, and (3) a Supplemental Application Data Sheet including a reference required under 35 USC §119(e) and 37 CFR 1.78(a)(5) to the prior provisional application, Serial No. 60/408,186.

REMARKS

Applicants state that the entire delay in filing the claim for the benefit of priority of prior filed copending provisional application Serial No. 60/408,186 from the due date for the claim under 37 C.F.R. §1.78(a)(5) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(6), was unintentional.

CONCLUSION

Because the entire delay in filing the claim for the benefit of priority of a prior filed copending provisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(5) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(6), including any delay from the date of discovery of the failure to submit the claim, was unintentional, Applicants ask for the Examiner's forbearance and respectfully request that the petition for the claim for the benefit of priority of a prior filed copending provisional application be granted at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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